RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX
DE MONTRÉAL-CENTRE

DEFINITION OF INSTITUTION, RESIDENTIAL RESOURCES AND PRIVATE RESIDENCES UNDER THE LAW

Andrée Demers-Allan, conseillère
Services aux personnes âgées
Septembre 1993
Juin 2002 (révisé)

Version anglaise du document ***Définition des établissements, des ressources d'hébergement et des résidences privées dans le contexte de leur réglementation***

DEFINITION OF INSTITUTIONS, RESIDENTIAL RESOURCES AND PRIVATE RESIDENCES UNDER THE LAW

According to the law, two types of resources exist :

1. Residential and long term care centres and intermediate and family-type resources regulated by the **ACT RESPECTING HEALTH AND SOCIAL SERVICES AND MODIFYING VARIOUS OTHER LAWS** (R.S.Q., Chapter S-4.2).

   These resources are :

RESIDENTIAL AND LONG-TERM CARE CENTRES	INTERMEDIATE AND FAMILY-TYPE RESOURCES
Residential and long-term care centres • public • under agreement • private	➢ Intermediate resources ➢ Foster homes

2. Private residences are residential properties which are governed by the **LAWS AND REGULATIONS OF CITIES AND MUNICIPALITIES**

   These properties are :

   - habitations à loyer modique (H.L.M.), les organismes sans but lucratif (O.S.B.L.), and housing cooperatives (C.O.O.P.);
   - residences;
   - rooming and boarding houses;
   - rooming houses.

THE LAW

In virtue of the Act respecting health and social services and its regulations, a permit from the Ministry of Health and Social services or a contract for a foster home, or an intermediate resource with a public institution (C.H.S.L.D., C.H.S.G.S.) is required to house adults or elderly people with a decreasing autonomy.

In effect, « no person may engage in activities inherent in the mission » if he does not hold a permit... » (law, article 437). Moreover, « operate a facility or engage in an activity (law, article 438) constitutes an infraction unless he is the holder of a permit... ».

RESIDENTIAL AND LONG-TERM CARE CENTRES

Article 83 of the law defines a residential and long-term care centre as an institution whose mission is « to offer, on a temporary or permanent basis, alternative environment, lodging, assistance, support and

supervision services as well as rehabilitation, psychosocial and nursing care and pharmaceutical and medical services to adults who, by reason of loss of functional or psychosocial autonomy can no longer live in their natural environment, despite the support of their families and friends. »

Institutions are either public or private (law, article 97). Three types of residential and long-term care centres exist : public, under agreement and private. An institution's public or private status is determined by the way in which it was established, but in no way changes the prerequisite to obtain a permit from the Ministry if it wishes to operate a facility whose goal is to receive, care for, and house persons with a loss of autonomy.

When an institution is public, the land and building are the property of the state (and sometimes of a private owning corporation) and a budget is allocated by the Ministry of Health and Social services to insure the administration, the functioning, and the services which are given to users in that institution.

A private institution which has concluded an agreement with the ministry provided in the Law respecting Health Services and Social Services is an institution under agreement : the land and the building belong to a private owner who receives from the Ministry of Health and Social Services, for the use of the lands and building, a budget for the building, the furniture, the functioning, and the services to be given to users. An under agreement institution may be for profit or non profit.

Admission to a residential and long-term care centre, whether public or private under agreement, is throught a regional admission service. All individuals housed in these institutions must pay for their housing and their meals. The contribution of the user is established according to the type of room which he occupies, his income, and the obligation to leave him $ 151.00 per month for his personal expenses. As of January 1st, 2000, the user's contribution varies between a minimum of $ 832.80 and a maximum of $ 1 340.10 per month.

All other institutions are private : the land and the building are the property of the owner and the services are paid for by the individuals who live there, which means that the owner must, from within the fees paid by the users, solely assume the cost of administration, services, construction and renovation, and of the functioning of the centre.

A private centre may be profit or non profit. Private centres are, according to the Law, allowed to independently manage their admission's policies.

In conclusion, nursing and specialized services offered by residential and long-term care centres intend to maintain the autonomy of individuals who have largely lost their physical or psychic independence and afford them an environment as close to their living conditions as possible.

INTERMEDIATE AND FAMILY-TYPE RESOURCES

Intermediate resources

In accordance with article 301 of the Act, the Regional Board has the responsability to identify the public institution which may have recourse to services of an intermediate resource in order to carry on the mission of a centre which it operates. According to article 302, « Every resource attached to a public institution through which the institution provides lodging and support or assistance services to a user, according to his needs, with a view to maintaining or integrating him into the community is an intermediate resource ».

The classification of services offered by intermediate resources is based on the level of support or assistance required by its users.

The Ministry has the responsibility to establish the classification of services offered, the rate of compensation which apply to the type of services offered, as well as the orientations which the Regional Board must follow to determine the mechanisms for access to intermediate resources.

Admission to an intermediate resource which is attached to a residential and long-term care centre is though the regional admission service.

Foster homes

The law establishes that « A public institution identified by the Regional board may call upon the services of a family-type resource for the placement of adults or elderly persons ».

« One or two persons receiving in their home a maximum of nine (9) adults or elderly persons entrusted to them by a public institution in order to respond to their needs and afford them living conditions as close to a natural environment as possible may be recognized as a foster home ».

The regulations establish three categories of placement in foster families : regular, specialized, and rehabilitation. « Activities and services provided by a family-type resource are deemed not to be a commercial enterprise or a means to make profit ».

On the other hand, according to the law, a foster home does not need to hold a permit but is subjected to an official recognition which is related to a signed service contract with the public institution to which it is attached.

The management and supervision of the foster home is the responsibility of the public institution and the resource receives through the institution, a fixed per diem to insure support services, assistance and supervision of users who need social protection and who have experienced a mild loss of autonomy. Individuals living in foster homes are eligible to receive home care services for those services for which the foster home is not reimbursed.

As of January 1st, 2000, the daily base rate allocated to the foster home was set at $ 21.90 per day per user. The contribution of the user is determined by regulation and may not exceed the basic per diem allocated to the foster home. The client retains an amount of $ 151.00 per month for this expenses.

As a result of a modification to the law, the admission is through the regional admission service.

In conclusion, services offered by intermediate resources seek to avoid or delay institutionalization through the maintenance of the elderly person's independence in an environment which is maximaly integrated to the community.

RESIDENTIAL PROPERTIES

In Montreal, differents housing formulas exist, corresponding to the socioeconomic level and to the varied needs of the elderly, and which ensure services of infrastructure support, food, and security.

Zoning laws and regulations of cities and municipalities vary, as a result of which these natural environments are physical premises of a complete housing type or of a rooming type.

Residential properties such as residential tower buildings, apartment buildings, non profit housing and housing cooperatives are facilities of the complete housing type. These residences may be located in a residential zone or a commercial zone. The only requirement is a construction permit from the city or municipality at the time that the building is constructed.

In the city of Montreal, residential buildings of four (4) or more rooms such as rooming and boarding houses subject to a regulation for commercial zoning. It is the responsibility of the city or municipality to undertake legal action if there is an infraction of this regulation.

Residential building of a rooming house type are also subject to the regulations of the Ministry of Labor on security in public buildings housing more than nine (9) people, as well as those of the Ministry of Agriculture, Fisheries and Food with regard to hygiene and cleanliness. These residential buildings are not institutions in the sense of the health and social services act, and must serve only autonomous client : which is to say « **those people who are able to make choices and to take decisions without requiring, on a regular and continual basis, supervision, nursing care and specialized services at the physical or psychological level** ».

Residential buildings are considered as being homes. « We understand by home, the area where an individual resides in the sense of a private shelter or an autonomous domestic building, which includes a private home, a rented lodgings, an apartment, a room, or accomodations in a H.L.M. »[1]

People who live in these buildings are eligible to receive home care services from the CLSC for those services which are not covered by leases or contracts undertaken between the promoters and the owners or renters.[2]

The increase in the number and proportion of the elderly, and the recognition of their desire to remain in a natural environment which is adapted to their needs and aspirations obliges us to preserve the residential status of these natural environments. In addition, once home care services reach their limits with regard to maintaining an individual in a natural environment, transfer of clients to an accredited housing institution is required in order to avoid transforming these residential buildings into future residential and long-term centres.

The following table gives overview of the laws and regulations which govern public and private housing resources.

---

[1] Politique de services à domicile pour les personnes qui présentent des limitations d'activités et leur milieu respectif, M.S.S.S., 29 mai 1992

[2] Ibid

DIFFERENTS TYPES OF HOUSING RESOURCES UNDER THEIR REGULATIONS

The Act respecting Health Services and Social Services [3]		**Laws and regulations of cities and municipalities**
Residential and long-term care centres	**Intermediate and family-type resources**	**Residential buildings**
Residential and long-term care centres • public • under agreement • private	Intermediate resources Foster homes : • regular • specialized • rehabilitation	Housing : • habitations à loyer modique (H.L.M.) • residential tower buildings • apartment buildings • non profit housing (O.S.B.L.) • housing cooperatives Residential building of a rooming house type : • residences • rooming and boarding houses • rooming houses

[3] Loi sur les services de santé et les services sociaux et modifiant diverses dispositions législatives, L.R.Q., Chapitre S-4.2